

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN RAYMOND JOHNSON,

Plaintiff,

v.

CIV No. 11-413 CG/GBW

SOUTHWESTERN PUBLIC SERVICE
COMPANY d/b/a Xcel Energy, XCEL
ENERGY SERVICES, INC.

Defendants.

ORDER GRANTING IN PART MOTION TO COMPEL

THIS MATTER is before the Court on Plaintiff's Second Motion to Compel. *Doc. 41.*

The matter is fully briefed, and the Court held a hearing on the Motion on December 20, 2011. *See docs. 49, 54, 55, 56, 57.* In this Motion, the disputed discovery matters relate to the disciplinary files/documentation for employees of Defendant.

Defendants' significant objections to the discovery requests relate to relevance and undue burden. With respect to relevance, the question is whether the requests are reasonably calculated to lead to admissible evidence, not whether the information sought would be admissible. The Court finds that some, but not all, of the information sought by Plaintiff would meet this standard. Specifically, the disciplinary records of all "Lineman Journeyman Servicemen," employed by Defendant, and supervised by Ernest Ramirez and/or Richard Nothnagel from January 2008 through January 2011, would meet this standard. Moreover, limited as such, the request is not unduly burdensome.

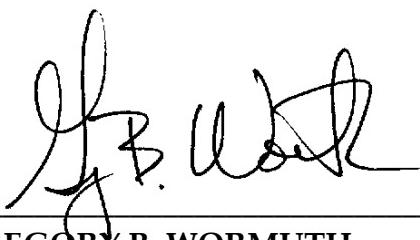
WHEREFORE, the Court will grant Plaintiff's Second Motion to Compel in part and deny it in part.

IT IS HEREBY ORDERED that Defendant shall respond to Plaintiff's Interrogatories 8 and 9 as limited above. Such production is due no later than February 24, 2012.

IT IS FURTHER ORDERED that the production required from Plaintiff by the Court's recent Order (*Doc. 52*) is due no later than January 9, 2012.

IT IS FURTHER ORDERED that the discovery deadline in this case shall be extended until February 6, 2012. Motions relating to discovery disputes must be filed by February 13, 2012.

IT IS FURTHER ORDERED that the deadline for the filing of substantive motions shall be extended until February 24, 2012. However, responses to such motions must be served and filed within ten (10) calendar days after service of the motion. Any reply must be served and filed within ten (10) calendar days after service of the response.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE